

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. J. CAMPANA, Jr., et al

Serial No.: 10/090,841

Filed: March 6, 2002

For: ELECTRONIC MAIL SYSTEM WITH RF COMMUNICATIONS
TO MOBILE PROCESSORS

Group: 2614

Examiner: J. T. Phan

RESPONSE**MS Amendment**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 24, 2009

Sir:

The present application has pending claims 86-94.

In the February 23, 2009 and the May 15, 2008 Office Actions the Examiner essentially made the same rejections with the same arguments as all of the previous Office Actions. The February 23, 2009 Office Action addressed the November 17, 2008 Response but did not consider nor address the Request For Suspension of Action Under 37 CFR 1.103 filed on November 17, 2008 along with the Response. The Request was filed to request a suspension of action for a period of six months to await decisions of the appeals of reexamination proceedings on various related patents, said related patents including parent and children patents with respect to the present application. Applicants submit that said decisions of said appeals will impact the prosecution of the present application since the issues in the

appeals are similar to, if not the same, as the issues in the prosecution of the present application.

Applicants have again requested a suspension of action under 37 CFR 1.103 for a period of 6 months for good and sufficient cause as set forth in the Renewed Request For Suspension of Action Under 37 CFR 1.103 filed on even date and strongly urge the Examiner to grant said request. If the Examiner does not have the authority to make this decision and a petition is necessary, then this Renewed Request should be treated as a Petition For Suspension of Action Under 37 CFR 1.103 and passed on to the appropriate authority.

Regarding the February 23, 2009 Office Action, Applicants have again considered the various arguments advanced by the Examiner and simply state they do not agree with said arguments and hereby traverse all of said arguments. The rejections and arguments as set forth by the Examiner in the February 23, 2009 Office Action do not in any way address nor render moot points and specific facts set forth in the Remarks of the previous responses.

Even beyond the above, Applicants submit that there is absolutely no sense in continuing to argue the points raised by the Examiner in the various Office Actions, including the February 23, 2009 Office Action, when the very same issues are being considered and will be decided by the Board of Patent Appeals and Interferences in the appeals of reexamination proceedings on various related patents. Since the Board has a higher authority than the Examiner, the decisions by the Board should moot many, if not all, of the issues raised during the prosecution of the present application.

In any event, the following points and specific facts are again presented.

Claims 86-94 stand rejected under 35 USC §112, first paragraph as allegedly failing to comply with the written description requirement. Particularly the Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. This rejection is traversed for the following reasons. Applicants submit that the specification does in fact sufficiently describe the invention so as to convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

In the Office Action the Examiner objects to various limitations recited in the claims with the common reason being that the Examiner alleges that Applicant's specification does not teach the "redirecting" feature as recited in the claims. Particularly the Examiner alleges that he has

"repeatedly requested and respectfully asked the Applicant to clearly show enabling support by citing specific page and line numbers in applicant's disclosure where each limitation are supported. The Examiner maintains that there is insufficient support for each claimed limitation as required under 112 1st paragraph"

Applicants have provided such information. To further, support Applicant previous submission of such information, Applicants direct the Examiner's attention to paragraph [0064] of the present application which states:

“The address of the destination processor may also be added to the information originated by the originating processor by the gateway switch. The identification number may be added by the gateway switch by matching an identification of the destination processor, such as a name of a user of the destination processor, with a stored identification of a destination processor and adding an identification number stored with the matched identification of the destination processor to the information as the identification number.”

From the above it is clear that a message input by a sender into Applicant's invention can be addressed to “John Doe” (name of user) causing it to be delivered to “John Doe” by wireline at a first destination such as, for example, the desktop computer of “john Doe” if there is no “matching [of] an identification of the destination processor, such as a name of a user of the destination processor, with a stored identification of a destination processor” the message is to be sent by wireline. However, according to the present invention when there is “matching [of] an identification of the destination processor, such as a name of a user of the destination processor, with a stored identification of a destination processor “the message is to be sent wirelessly. The above described features of the present invention as recited in the claims are illustrated, for example, in Fig. 11 and described in the corresponding passages of the present application.

Thus, the specification does in fact sufficiently describe the invention so as to convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Claims 86-94 stand rejected under 35 USC §102(e) as being anticipated by Lazaridis (U.S. Patent No. 6,219,694). This rejection is traversed for the following reasons. Applicants submit that since the features of the present invention as recited in claims 86-94 are sufficiently described in the specification so as to convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, the invention as claimed in the present application is prior to the invention of Lazaridis. Thus, the Examiner has not made a prima facie case of anticipation under 35 USC §102(e). Therefore, the 35 USC §102(e) rejection of claims 86-94 fails. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 86-94.

In view of the foregoing amendments and remarks, applicants submit that claims 86-94 are in condition for allowance. Accordingly, early allowance of claims 86-94 is respectfully requested.

Further, Applicants hereby again request a suspension of action under 37 CFR 1.103 for a period of 6 months for good and sufficient cause as will be set forth below and strongly urge the Examiner to grant said request.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any

overpayment of fees, to the deposit account of MATTINGLY, STANGER,
MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417
(780.29643CX7).

Respectfully submitted,

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